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Salaried Retiree of Debtors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----x Chapter 11 Case No. 05-44481 (RDD)

In re:

DELPHI CORPORATION, et. al.,

: (Jointly Administered) :

Debtors.

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NOTICE OF APPEAL

Appellant, James Sumpter, pro se (Salaried Retiree of Debtor); hereby appeals to the United States District Court for the Southern District of New York under 28 U.S.C. § 158(a) from the Bankruptcy Court's Final Order Under 28 U.S.C. §§ 157(b), denying the Amended Motion for Recoupment On Behalf of Delphi Salaried Retirees [Docket # 21566]. A copy of the Final Order [Docket # 21645] is attached hereto.

The Appellant, James B. Sumpter, does not consent to have the appeal heard by the Bankruptcy Appellate Panel.

The names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

1) Appellant:

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- and -

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3) Counsel to the United States Trustee:

Office of the United States Trustee
Southern District of New York
33 Whitehall Street, 21st Floor
New York, New York 10004
Attn: Brian Masumoto
Telephone: (212) 510-0500

Dated: Noblesville, Indiana
October 19, 2011

By: 
James B. Sumpter

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Salaried Retiree of Debtors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re)	Chapter 11
DPH HOLDINGS CORP., <i>et al.</i> ,)	Case No. 05-44481 (RDD)
)	Jointly Administered
Reorganized Debtors.)	

**ORDER DENYING AMENDED MOTION FOR RECOUPMENT
ON BEHALF OF DELPHI SALARIED RETIREES**

Upon James B. Sumpter's Amended Motion For Recoupment On Behalf Of Delphi Salaried Retirees (the "Sumpter Recoupment Motion") (Docket No. 21566), filed September 8, 2011; and upon the Reorganized Debtors' Response In Opposition to Amended Motion For Recoupment On Behalf Of Delphi Salaried Retirees (Docket No. 21581), filed September 15, 2011; and upon James B. Sumpter's Reply To Debtors' Response [Docket #21581] To The Amended Motion For Recoupment On Behalf of Delphi Salaried Retirees [Docket #21566], filed September 21, 2011; and the Court having considered the arguments of James B. Sumpter and the Reorganized Debtors at a hearing held on the Sumpter Recoupment Motion on September 22, 2011 (the "Hearing"); and this Court having considered certain post-hearing e-mail correspondence, dated September 26, 2011, submitted to this Court by James B. Sumpter and the Reorganized Debtors' Letter Response to September 26, 2011 E-mail of James Sumpter, filed September 30, 2011 (Docket No. 21603); and the additional information brought to the Court's attention in the post-hearing submissions not having a material effect on the basis for the Court's prior findings and conclusions stated at the Hearing; and after due deliberations thereon; and good and sufficient cause appearing for the reasons stated by this Court in its bench ruling at the Hearing, it is hereby ORDERED, ADJUDGED, AND DECREED THAT:



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1. This Court has subject matter jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334 and paragraph 56 of the Plan Modification Order. This matter is a core proceeding within the meaning 28 U.S.C. § 157(b) in which the Court may enter a final order. This Court is the proper venue for this matter pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The Motion is denied.

3. This Court shall retain jurisdiction to hear and determine all matters arising from or relating to the implementation of this order.

Dated: White Plains, New York

October 13, 2011

/s/Robert D. Drain
U.S. BANKRUPTCY COURT JUDGE